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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,316	05/02/2001	Richard Hyatt	PAT 240-2	4708
26123	7590	08/13/2004	EXAMINER	
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/846,316	HYATT ET AL.	
	Examiner	Art Unit	
	Thong H Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-14 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Court et al [Court 6,085,220] in view of Kraft et al [Kraft 6,691,104 B1].

3. As per claim 8, Court discloses a system for providing data analysis tools (i.e.: software application) in a distributed environment, comprising

a web server for receiving a service request, including input data, from a client [Court, a server provides a web page to the user, col 3 lines 34-60; col 5 lines 14-55];

a manager for creating a job including the input data and a job identifier [Court, engine manager 120, session manager 134, Fig 2A-B, col 6 lines 20-50; session ID, col 8 lines 42-65];

a dispatcher for dispatching the job to an agent for delivery to a service provider hosting a requested (analysis) tool for processing the input data [Court, page promotion tools, col 3 lines 34-60; marketing research tool, col 4 lines 51-60; monitoring and administration tool, col 5 lines 37-55; security agent, col 7 lines 1-5; col 6 lines 20-30];
and

an integrator (i.e.: integration layer) for receiving a result from the service provider [Court, integration layer 18, col 3 lines 34-60; Fig 1], the result including output

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data representing the input data processed in accordance with the requested analysis tool [Court, page promotion tools, col 3 lines 34-60; marketing research tool, col 4 lines 51-60; monitoring and administration tool, col 5 lines 37-55].

However Court does not explicitly teach the software tool as an analysis tool. A skilled artisan would have motivation to implement the web application tools and found Kraft teaching. Kraft discloses a system and method for personalizing and applying a post processing tool system wherein a user-specified data analysis tool to the search result [Kraft, abstract]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the analysis tool as taught by Kraft into the Court's apparatus in order to utilize the XML application over Internet. Doing so would provide the Web user a dynamic and efficient process to integrated the search result with a wide variety of service application.

4. Claim 1 contains the similar limitations set forth of apparatus claim 8. Therefore, claim 1 is rejected for the similar rationale set forth in claim 8.

5. As per claims 9,2 Court-Kraft disclose at least one web server for connecting to the client over the Internet [Court, Internet server, col 3 lines 17-33; col 6 lines 20-30].

6. As per claim 10, Court-Kraft disclose the manager includes a database for storing the job information [Court, database, col 3 lines 1-17].

7. As per claim 11,6 Court-Kraft disclose the dispatcher includes load balancing means for balancing loads between service providers [Court, load balancing, col 5 lines 14-26].

8. As per claim 12, Court-Kraft disclose the manager includes markup means [Court, HTML, col 3 lines 34-60].

9. As per claims 13,4, Court-Kraft disclose the markup means includes extensible mark up language (XML) [Court, XML, col 4 lines 1-16].

10. As per claim 14, Court-Kraft disclose the integrator includes means to reassemble the job to retrieve the output data [Court, integration layer 18, col 3 lines 34-60; Fig 1].

11. As per claim 3, Court-Kraft disclose the step of dispatching the job includes formatting the input data into packets for transmission [Kraft, formatting the result page, col 8 lines 52-57].

12. As per claim 5, Court-Kraft disclose the step of creating the job includes storing job information in a database [Court, database, col 3 lines 1-17].

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13. As per claim 7, Court-Kraft disclose the step of receiving the result includes integrating received packets containing the results to recover the output data [Court, integration layer 18, col 3 lines 34-60; Fig 1].

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

